

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION IX

75 Hawthorne Street San Francisco, CA 94105

Certified Mail: 7015 0640 0001 1121 7802

Costa Painting 69
rg 9-19-16

Chris Costa, Owner Costa Painting 305 San Miguel Avenue Salinas, CA 93901

Subject: Noncompliance Warning Letter

Dear Mr. Costa:

The U.S. Environmental Protection Agency (EPA) received a complaint that stated that your company performed work at a townhouse apartment complex in Carmel, California that violated federal regulations for lead-based paint activities under the Toxic Substances Control Act (TSCA) Renovation, Repair, and Painting (RRP) Rule, codified at 40 C.F.R. § 745, Subpart E.

The RRP Rule contains requirements for firms and individuals involved in repairs, renovation, or painting of pre-1978 housing or child-occupied facilities. The purpose of this letter is to notify you that failure to comply with the RRP Rule is prohibited under Section 409 of TSCA, 15 U.S.C. § 2689, and may subject you to civil penalties of up to \$37,500 per violation.

Based on our investigation, EPA is concerned that these violations may be occurring:

- Your company is not EPA firm certified. To obtain firm certification from EPA, go to http://www2.epa.gov/lead/epa-lead-safe-certification-program to apply.
- Your company is out of compliance with lead-safe work practices.

The following is a summary list of the RRP Rule requirements. Further details of the requirements can be found in the enclosed document titled, "Small Entity Compliance Guide to Renovate Right" and at www.epa.gov/lead:

- Your firm must be certified by the EPA.
- You must have individual certified renovator(s) to ensure compliance with the RRP Rule.
- You must use lead-safe work practices, for example:
 - o post warning signs at the entrance to the work area:
 - o use plastic containment barriers to prevent the spread of paint chips and dust;
 - o handle waste in a lead-safe manner;
 - avoid prohibited practices such as open-flame burning, torching, or operating a heat gun at over 1100°F;

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- o ensuring that the work site is properly cleaned and that a post-renovation cleaning verification or dust clearance testing is conducted; and
- Workers must be trained by a certified renovator.
- The pamphlet entitled *Renovate Right* must be given to clients/property owners/occupants before the renovation begins.
- Required records must be available and retained for 3 years.

You are required to comply with the RRP Rule if you continue to work on pre-1978 housing or child-occupied facilities. Issuance of this warning letter does not preclude EPA from pursuing penalties authorized by law in the future. Due to the compliance problem(s) identified during our initial investigation, any tips or complaints that EPA receives in the future about your firm will likely result in a full investigation. Any violations of the RRP Rule may result in the issuance of a civil administrative complaint and the assessment of monetary penalties.

Enclosed is an information sheet entitled *U. S. EPA Small Business Resources*, which you may find helpful if you are a qualified small business. Additional information can be found on-line at www.epa.gov/lead or by calling the National Lead Information Center at 1-800-424-5323.

If you have any questions, feel free to contact Lynn Kuo at (415) 972-3501 or kuo.lynn@epa.gov.

Sincerely,

Douglas K. McDaniel

Chief, Waste and Chemical Section

Enforcement Division

Enclosures

FOJA.gov

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